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In overview, the present response traverses each of the rejections and includes a brief description of certain aspects of the invention and a brief description of the teachings in the cited art.

Claims 1-3, 6, 8, 9-10, 12, and 16-18 were rejected under 35 U.S.C. §102(b) as being anticipated by the RapidInstall reference. Claims 7 and 11 were also rejected under 35 U.S.C. §102(b) as being anticipated by the RapidInstall reference. In overview, in order for prior art to anticipate a claim under 35 U.S.C. §102 every element of the claimed invention must be identically disclosed either expressly or under principles of inherency in a single reference. Further, the exclusion of a claimed element from a prior art reference, no matter how insubstantial, is enough to negate anticipation by that reference. The test of whether anticipation exists in a particular case is a question of fact, and is applied element-by-element to a single prior art reference. Only if the prior art literally

1 reads on every element of the rejected claim will the claimed invention be  
2 anticipated under this test.

3 With this in mind, the Applicant analyzes the §102 rejection of the claims in  
4 the present application. First, a brief summary of the present application and of the  
5 RapidInstall reference is provided.

6 The present application is related to command line environments. In  
7 particular, the application is directed towards a mechanism that allows commands  
8 entered on a command line the ability to execute in a first execution mode or an  
9 alternate execution mode, where *the alternate execution mode is provided by the*  
10 *operating environment and provides extended functionality to the command.* Page 1,  
11 line 22 to page 2, line 2. The operating environment corresponds to an  
12 administrative tool environment which provides the command line. Thus, the  
13 commands themselves do not have to include additional code to perform the  
14 alternate execution mode.

15 The RapidInstall reference discloses a program that is executed via a  
16 command line that creates a compressed, self-contained, and self-extracting  
17 executable file called a RapidInstall Package (RIP). The RapidInstall program (i.e.,  
18 command) captures changes that occur on a personal computer when another  
19 application is installed or when configurations are changed. These changes are  
20 captured into a RIP. The RIP can then be run on client personal computers to make  
21 installation easier and faster. The RapidInstall program supports built-in variables,  
22 environment variables, input variables and query variables. In addition, the  
23 RapidInstall program supports an “-si” on the command line to simulate the install  
24 and determine what potential problems may occur before actually installing the RIP.  
25

1 Page 1. In other words, the RapidInstall program has code to handle all of these  
2 features.

3 Based on the foregoing, each of the rejections is traversed below.

4  
5 **Independent Claim 1 and its dependent claims, Claims 2-3, 6, and 8**

6 Independent Claim 1 includes elements not disclosed by the RapidInstall  
7 reference. To further clarify, the operating environment recited in Claim 1 was  
8 amended to recite “the command line operating environment”. For convenience,  
9 Claim 1 is reproduced below with portions in bold to better emphasize the elements  
10 that are not disclosed by the RapidInstall reference. The bold portion(s) will be  
11 individually discussed following the reproduced claim.

12  
13 1. In a command line operating environment, a computer-executable  
14 method comprising:

15 executing each command on a command line in a first  
16 execution mode or in an alternate execution mode, wherein  
17 executing the command in the alternate execution mode occurs when  
18 the command includes an instruction to execute in the alternate  
19 execution mode, **the alternate execution mode being provided by**  
20 **the command line operating environment.**

21 As shown above, in order to clarify the claimed invention, amended  
22 independent Claim 1 recites “**the alternate execution mode being provided by the**  
23 **command line operating environment.**” In contrast, the RapidInstall reference  
24 discloses a program (i.e., RapidInstall program) that can be executed from a  
25 command line with various command line switches (e.g., “-r”, “-cu). However,  
importantly, the RapidInstall program itself incorporates the code that handles these  
switches and functionality. In contrast, Claim 1 recites that “the alternate execution

1 mode” is “provided by the command line operating environment.” Thus, the  
2 RapidInstall reference discloses a traditional command line environment where  
3 commands incorporate all the desired functionality and the command line  
4 environment provides a command line for entry of the commands and switches.  
5 Thus, in contrast to the Examiner’s contention that the operating environment is  
6 disclosed in the RapidInstall reference by the RapidInstall environment, the  
7 Applicant contends that the RapidInstall environment is not the command line  
8 operating environment and therefore, can not possibly disclose the claimed element.

9 Thus, given that the exclusion of just one of these claimed elements from  
10 the RapidInstall reference is enough to negate anticipation by that reference for  
11 independent Claim 1, the Applicant respectfully submits that, for at least the  
12 reasons above, the §102 rejection of independent Claim 1 and its dependent Claims  
13 2-3, 6, and 8 is improper, and respectfully requests reconsideration and withdrawal  
14 of this rejection.

15 In addition, the dependent claims of Claim 1 (e.g., Claims 2-3, 6, and 8)  
16 include other elements that are also not disclosed by the RapidInstall reference.  
17 For example, amended Claim 8 recites “wherein the instruction comprises a call to  
18 a method provided by the command line operating environment.” As presented in  
19 the Office Action, the Examiner contends that the instruction is a call to a method  
20 provided by the RapidInstall environment, which is not the command line  
21 operating environment. Therefore, the Applicant respectfully submits that the  
22 §102 rejections of Claims 2-3, 6, and 8 is improper, and respectfully requests  
23 reconsideration and withdrawal of this rejection.

1 **Independent Claim 9 and its dependent claims, Claims 10 and 12**

2 Independent Claim 9 includes elements that are not disclosed by the  
3 RapidInstall reference. To further clarify, Claim 9 was amended to recite “a  
4 command line operating environment” that receives the command line operative,  
5 determines if a parameter is present, simulates the performance, and reports the  
6 results. For convenience, amended Claim 9 is reproduced below with portions in  
7 bold to better emphasize the elements that are not disclosed by the RapidInstall  
8 reference. Each of the bold portions will be individually discussed following the  
9 reproduced claim.

10  
11 9. At least one computer-readable medium having computer-  
executable instructions for performing a method, comprising:

12 **receiving a command line operative by a command line**  
**operating environment that directs the performance of a task,**

13 **determining by the command line operating environment**  
**if a parameter is present on the command line** that is associated  
14 with a simulation mode;

15 **if the parameter is present, simulating the performance of**  
**the task by the command line operating environment; and**

16 **reporting the results of the simulation by the command**  
**line operating environment.**

17  
18 As shown above, amended independent Claim 9 recites “**receiving a**  
19 **command line operative by a command line operating environment.**” In  
20 contrast, the RapidInstall reference discloses a program (i.e., RapidInstall program)  
21 that can be executed from a command line with various command line switches (e.g.,  
22 “-r”, “-cu). The RapidInstall program then receives the various command line  
23 switches, interprets them, and performs processing based on the various command  
24 switches. As explained above, the RapidInstall program itself incorporates the code  
25

1 that handles these switches and functionality. Thus, the RapidInstall reference  
2 discloses a traditional command line environment where commands incorporate all  
3 the desired functionality and the command line environment provides a command  
4 line for entry of the commands and switches. In contrast, Claim 9 recites “receiving  
5 a command line operative **by a command line operating environment**”,  
6 “determining **by the command line operating environment** if a parameter is  
7 present on the command line”, “simulating the performance of the task **by the**  
8 **command line operating environment**”, and “reporting the results of the  
9 simulation **by the command line operating environment.**” Thus, in contrast to  
10 the Examiner’s contention that the operating environment is disclosed in the  
11 RapidInstall reference by the RapidInstall environment, the Applicant contends that  
12 the RapidInstall environment is not the command line operating environment and  
13 therefore, can not possibly disclose the claimed elements.

14 Thus, given that the exclusion of just one of these claimed elements from  
15 the RapidInstall reference is enough to negate anticipation by that reference for  
16 independent Claim 9, the Applicant respectfully submits that, for at least the  
17 reasons above, the §102 rejection of independent Claim 9 and its dependent Claims  
18 10 and 12 is improper, and respectfully requests reconsideration and withdrawal of  
19 this rejection.

20 In addition, the dependent claims of Claim 9 (e.g., Claim 10 and 12)  
21 include other elements that are also not disclosed by the RapidInstall reference.  
22 Therefore, the Applicant respectfully submits that the §102 rejections of Claims 10  
23 and 12 is improper, and respectfully requests reconsideration and withdrawal of  
24 this rejection.  
25

1 **Independent Claim 16 and its dependent claims, Claims 17-18**

2 Independent Claim 16 includes several elements that are not disclosed by the  
3 RapidInstall reference. To further clarify, the operating environment recited in  
4 Claim 16 was amended to recite “the command line operating environment”. For  
5 convenience, Claim 16 is reproduced below with portions in bold to better emphasize  
6 the elements that are not disclosed by the RapidInstall reference. Each of the bold  
7 portions will be individually discussed following the reproduced claim.

8  
9 16. A system that provides a command line operating  
environment, the system comprising:

10 a processor; and

11 a memory, the memory being allocated for a plurality of computer-  
executable instructions which are loaded into the memory for execution by  
12 the processor, the computer-executable instructions performing a method  
comprising:

13 executing each command entered on a command line,  
wherein if the command includes an instruction to execute the  
14 command **using extended functionality provided by the**  
**command line operating environment**, executing the command  
15 using the extended functionality.

16  
17 As shown above, amended independent Claim 16 recites “**using extended**  
18 **functionality provided by the command line operating environment.**” In  
19 contrast, the RapidInstall reference discloses a program (i.e., RapidInstall program)  
20 that can be executed from a command line with various command line switches (e.g.,  
21 “-r”, “-cu). The RapidInstall program then receives the various command line  
22 switches, interprets them, and performs processing based on the various command  
23 switches. As explained above, the RapidInstall program itself incorporates the code  
24 that handles these switches and functionality. Thus, the RapidInstall reference  
25 discloses a traditional command line environment where commands incorporate all

1 the desired functionality and the command line environment provides a command  
2 line for entry of the commands and switches. In contrast, Claim 16 recites “using  
3 extended functionality provided by the command line operating environment”.  
4 Thus, in contrast to the Examiner’s contention that the operating environment is  
5 disclosed in the RapidInstall reference by the RapidInstall environment, the  
6 Applicant contends that the RapidInstall environment is not the command line  
7 operating environment and therefore, can not possibly disclose the claimed elements.

8 Thus, given that the exclusion of just one of these claimed elements from  
9 the RapidInstall reference is enough to negate anticipation by that reference for  
10 independent Claim 16, the Applicant respectfully submits that, for at least the  
11 reasons above, the §102 rejection of independent Claim 16 and its dependent  
12 Claims 17-18 is improper, and respectfully requests reconsideration and withdrawal  
13 of this rejection.

14 In addition, the dependent claims of Claim 16 (e.g., Claims 17-18) include  
15 other elements that are also not disclosed by the RapidInstall reference. Therefore,  
16 the Applicant respectfully submits that the §102 rejections of Claims 17-18 is  
17 improper, and respectfully requests reconsideration and withdrawal of this  
18 rejection.

### 19 20 **35 U.S.C. §103 Claim Rejections**

21 Claims 7 and 11 were alternatively rejected under 35 U.S.C. §103(a) as  
22 obvious over the RapidInstall reference. Claims 4, 5, 13-15, 19, and 20 were  
23 rejected under 35 U.S.C. §103(a) as being unpatentable over the RapidInstall  
24 reference. The Applicant respectfully disagrees with this rejection for various  
25 reasons. One of the reasons is, as discussed above, the RapidInstall reference fails



1 to disclose, teach or suggest several of the elements as discussed above. While the  
2 Applicant agrees with the Examiner that the RapidInstall reference is silent on the  
3 additional elements recited in these dependent claims, the Applicant contends that  
4 the Examiner is impermissibly applying hindsight reasoning using the Applicant's  
5 application to show obviousness. In fact, the Examiner fails to cite another  
6 reference to combine with the RapidInstall reference and instead takes Official  
7 Notice and contends that "it would have been obvious to a person of ordinary skill  
8 in the art."

9 Because the Applicant is required to seasonably challenge statements by the  
10 Examiner that are not supported on the record, and failure to do so will be  
11 construed as an admission by Applicant that the statement is true (M.P.E.P.  
12 §2144.03), the Examiner is hereby requested to cite a reference or to cite  
13 references in support of the recited elements. If the Examiner is unable to provide  
14 such a reference, and is relying on facts based on personal knowledge, Applicant  
15 hereby requests that such facts be set forth in an affidavit from the Examiner under  
16 37 C.F.R. 1.104(d)(2). Absent substantiation by the Examiner, it is respectfully  
17 requested that the rejection under 35 U.S.C. § 103 be withdrawn.

18 Thus, the Applicant contends that the RapidInstall reference, whether  
19 considered alone or with any permissible combination with the prior art of record,  
20 do not teach or suggest each element recited in Claims 4, 5, 7, 11, 13-15, 19, and  
21 20. Therefore, the Applicant respectfully submits that the §103 rejections of  
22 Claims 4, 5, 7, 11, 13-15, 19, and 20 is improper, and respectfully requests  
23 reconsideration and withdrawal of this rejection.  
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Respectfully Submitted,

By: Marcia A. Tunheim Reg. #42189/  
 Marcia A. Tunheim  
 Reg. No. 42189  
 (509) 324-9256